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Paper Number 12

In re application of : DECISION ON  
Donald Giroux et al. : PETITION  
Serial No. 09/734,477 :  
Filed: December 11, 2000 :  
For: TWO PART, ROOM TEMPERATURE CURABLE EPOXY RESIN / :  
(METH) ACRYLATE COMPOSITIONS WITH HIGH FLASH POINT:  
AND LOW ODOR, REACTION PRODUCTS OF WHICH :  
DEMONSTRATE IMPROVED FIXTURE TIME :  
:

This is a response to the SUPPLEMENTAL PETITION REQUESTING WITHDRAWAL OF ERRONEOUS NOTICE OF ABANDONMENT, filed February 26, 2004. The petition requests that the abandonment, as set forth in the Notice of Abandonment mailed July 29, 2003, be withdrawn since the applicant did not receive the Office letter mailed December 4, 2002.

DECISION

The instant request is accepted as a timely petition under 37 C.F.R. 1.181 (no fee), and is evaluated under the procedures regarding an acceptable showing of non-receipt of an office action, TMOG 1156 O.G. 53, November 16, 1993, (see also MPEP 711.03(c) - NEW PROCEDURE TMOG 1170 O.G. 114). A review of the petitioner's evidence indicates that the request has merit. The evidence presented is sufficient to establish that the applicant or any authorized representative of the applicant did not receive the Office letter, mailed December 4, 2002. The evidence provided includes a statement by the petitioner, by reference in the petition to the SUPPLEMENTAL DECLARATION OF PATRICIA J. PARKER attached to the instant petition, that the Office letter, mailed December 4, 2002 was not received, a statement that a search of the file and docket records was made, and a statement that the search revealed the Office letter was not received. Also provided is a copy of the attorney's application docket records where the Office letter would have been posted had it been timely received.

Therefore, the abandonment is hereby withdrawn, and the application is returned to pending status. The application shall be forwarded to the examiner for prompt remailing of the Office letter originally mailed December 4, 2002 and restarting of the period of response from the remail date thereof.

The Petition is GRANTED.

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